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Attorneys for Defendants World Savings Bank,  
FSB and Wachovia Mortgage Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DOLORES MANDRIGUES, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

WORLD SAVINGS, INC., WORLD SAVINGS  
BANK, FSB, WACHOVIA MORTGAGE  
CORPORATION, and DOES 1 through 10,  
inclusive,

Defendants.

Case No. C07 04497

**DEFENDANTS WORLD SAVINGS BANK  
FSB'S AND WACHOVIA MORTGAGE  
CORPORATION'S NOTICE OF MOTION  
AND MOTION TO DISMISS OR, IN THE  
ALTERNATIVE, MOTION TO STRIKE  
PORTIONS OF PLAINTIFFS'  
CORRECTED SECOND AMENDED  
COMPLAINT**

Date: February 29, 2008

Time: 9:00 a.m.

Place: Courtroom 3, 5<sup>th</sup> Floor

Compl. Filed: August 30, 2007

The Honorable Jeremy Fogel

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on February 29, 2008, at 9:00 a.m. in Courtroom 3 of the  
United States District Court for the Northern District of California, located at 280 S. First Street, 5<sup>th</sup>  
Floor, San Jose, California, Defendant World Savings Bank, F.S.B. ("World") and Wachovia

1 Mortgage Corporation (“Wachovia”) will and hereby does move this Court for an order dismissing  
 2 Plaintiffs’ Corrected Second Amended Complaint.

3 Plaintiffs’ First Claim For Relief based on alleged TILA violations fails to identify facts  
 4 sufficient to state a cause of action and, therefore, should be dismissed pursuant to Federal Rule of  
 5 Civil Procedure 12(b) and/or 12(c). Further, Plaintiffs’ Second, Third, Fourth, and Fifth (State Law)  
 6 Claims For Relief are preempted by federal law and also fail to identify facts sufficient to state a  
 7 cause of action and should, therefore, be dismissed pursuant to Federal Rule of Civil Procedure  
 8 12(b). Further, Plaintiffs’ prayers for punitive, actual and statutory damages should be stricken  
 9 pursuant to Federal Rule of Civil Procedure 12(f) because Plaintiffs are not entitled to these  
 10 remedies as a matter of law.

11 World and Wachovia’s Motion is based on this Notice of Motion and Motion, the  
 12 accompanying Memorandum of Points and Authorities, Request For Judicial Notice and exhibits  
 13 attached thereto and such other evidence the Court may choose to consider at the hearing on  
 14 Defendant’s motion.

15 DATED: January 22, 2008

16 REED SMITH LLP

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 18 By /s/ Keith D. Yandell  
 19 Keith D. Yandell (SBN 233146)  
 20 Attorneys for Defendants World Saving Bank, FSB  
 21 and Wachovia Mortgage Corporation  
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